

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVY PETTIGREW,

Plaintiff,

-v-

BAYVIEW SOLUTIONS LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/30/2025

ORDER

25-CV-2616 (GHW) (HJR)

HENRY J. RICARDO, United States Magistrate Judge.

By Letter dated April 27, 2025, Plaintiff requested to opt out of service by the U.S. Marshals Service and instead to separately arrange for service. ECF No. 11.

Under Federal Rule of Civil Procedure 4(c)(3), the Court “must” order that service be made by a United States Marshal “if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915.” Plaintiff requested to proceed *in forma pauperis* on March 26, 2025, ECF No. 2, and the Court granted his application on April 4, 2025, ECF No. 4. Accordingly, by Order of Service dated April 22, 2025, the Court directed service of summons and complaint by the U.S. Marshals Service, consistent with its obligations under Federal Rule of Civil Procedure 4(c)(3). ECF No. 7.

While Plaintiff is entitled to rely on the U.S. Marshals Service for service due to his *in forma pauperis* status, this does not preclude him from arranging for service of the summons and complaint, at his own expense, consistent with the

requirements of Federal Rule of Civil Procedure 4, and within the time prescribed by the Court's April 22 Order of Service.

SO ORDERED.

Dated: April 30, 2025
New York, New York



Henry J. Ricardo
United States Magistrate Judge